

**CALENDAR ITEM
C62**

A 1
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12/02/13
PRC 5401.1
B. Terry

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE –RECREATIONAL USE**

LESSEE:

Carnelian Bay Group L.P., a California Limited Partnership

APPLICANTS:

G. Craig Sullivan and Maureen O'Brien Sullivan, Trustees of the Craig and Maureen Sullivan Living Trust dated May 27, 1992

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5526 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier previously authorized by the Commission, removal of an existing boat lift, installation of a new boat lift, adjustable catwalk alteration, and use and maintenance of one existing mooring buoy not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 27, 2012.

CONSIDERATION:

\$1,606 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years after the adoption of

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a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. TRPA is presently evaluating its response. At such time additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

2. Lessee expressly acknowledges and agrees that issuance of a Lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On June 1, 2009, the Commission authorized a General Lease – Recreational Use with Carnelian Bay Group L.P., a California Limited Partnership, for an existing pier, boat lift, and boat hoist. That lease will expire on August 29, 2018. On February 27, 2012, ownership of the upland parcel was transferred to G. Craig Sullivan and Maureen O'Brien Sullivan, Trustees of the Craig and Maureen Sullivan Living Trust dated May 27, 1992. Applicants are now applying for a General Lease – Recreational Use.
3. Staff recommends terminating the existing lease because the Lessee cannot be located for execution of a lease quitclaim deed.
4. The Applicants stated that a previously authorized boat hoist did not exist upon obtaining ownership of the upland parcel. Commission staff has confirmed that the existing facilities consist of only a pier, boat lift, and one mooring buoy.
5. The existing pier has a fixed catwalk and a boat lift located on the north side of the pier. The Applicants are proposing to modify the fixed catwalk to an adjustable catwalk, removing the existing boat lift and installing a new boat lift on the south side of the pier. The entire proposed project will be constructed from the lake via barge or amphibious vehicle.

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6. The existing mooring buoy has been in Lake Tahoe for many years, but was not previously authorized by the Commission.
7. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

8. **Issuance of Lease for an Existing Pier and One Mooring Buoy:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. For the existing mooring buoy and pier, the project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).
9. **Boat Lift Relocation and Adjustable Catwalk Alteration:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. For the boat lift relocation and adjustable catwalk alteration, the project is exempt under Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

10. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVAL OBTAINED:

Tahoe Regional Planning Agency

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FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
Lahontan Regional Water Quality Control Board
California Department of Fish and Wildlife

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c) (3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease for an Existing Pier and One Mooring Buoy: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Boat Lift Relocation and Adjustable Catwalk Alteration: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination, effective February 26, 2012, of Lease No. PRC 5401.1, a General Lease – Recreational Use, issued to Carnelian Bay Group L.P., a California Limited Partnership.
2. Authorize issuance of a General Lease – Recreational Use to G. Craig Sullivan and Maureen O'Brien Sullivan, Trustees of the Craig

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and Maureen Sullivan Living Trust dated May 27, 1992, beginning February 27, 2012, for a term of 10 years, for continued use and maintenance of an existing pier previously authorized by the Commission, removal of an existing boat lift, installation of a new boat lift, adjustable catwalk alteration, and use and maintenance of one existing mooring buoy not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,606, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5401.1

LAND DESCRIPTION

Two parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 15, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1- PIER

All those lands underlying an existing pier and proposed boat lift and adjustable catwalk lying adjacent to that parcel described in Grant Deed recorded April 5, 2012 as Document Number 2012-0030062-00 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2- BUOY

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to that parcel described in Grant Deed recorded April 5, 2012 as Document Number 2012-0030062-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

This description is based on an existing pier, together with any and all appurtenances pertaining thereto, at the date of this description. An existing catwalk will be replaced with a proposed adjustable catwalk and existing boat lift will be relocated and replaced with a proposed boat lift per lease Applicant's provided design plans prepared by Ogilvy Consulting, dated March 1, 2013. This description is to be updated once final as-built plans are submitted.

Prepared 10/23/2013 by the California
State Lands Commission Boundary Unit.





APN 116-220-052

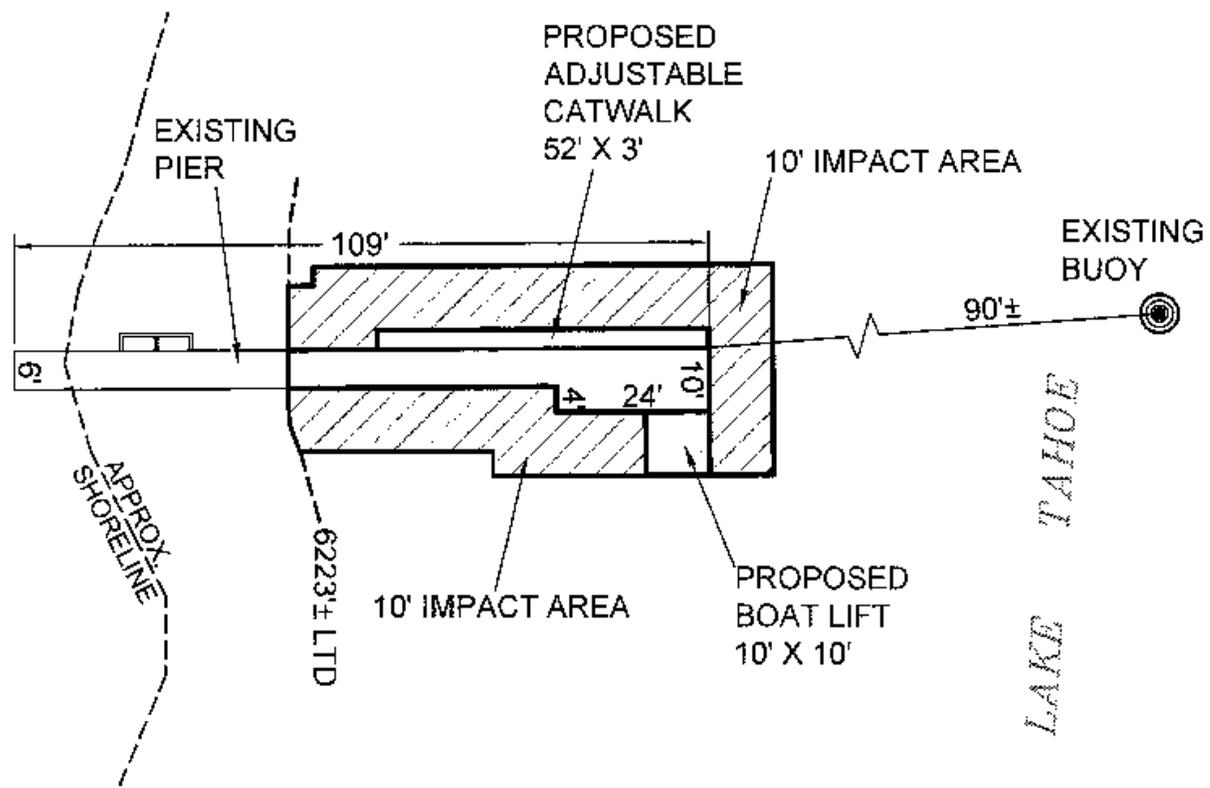


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 5401.1, SULLIVAN
 PLACER COUNTY

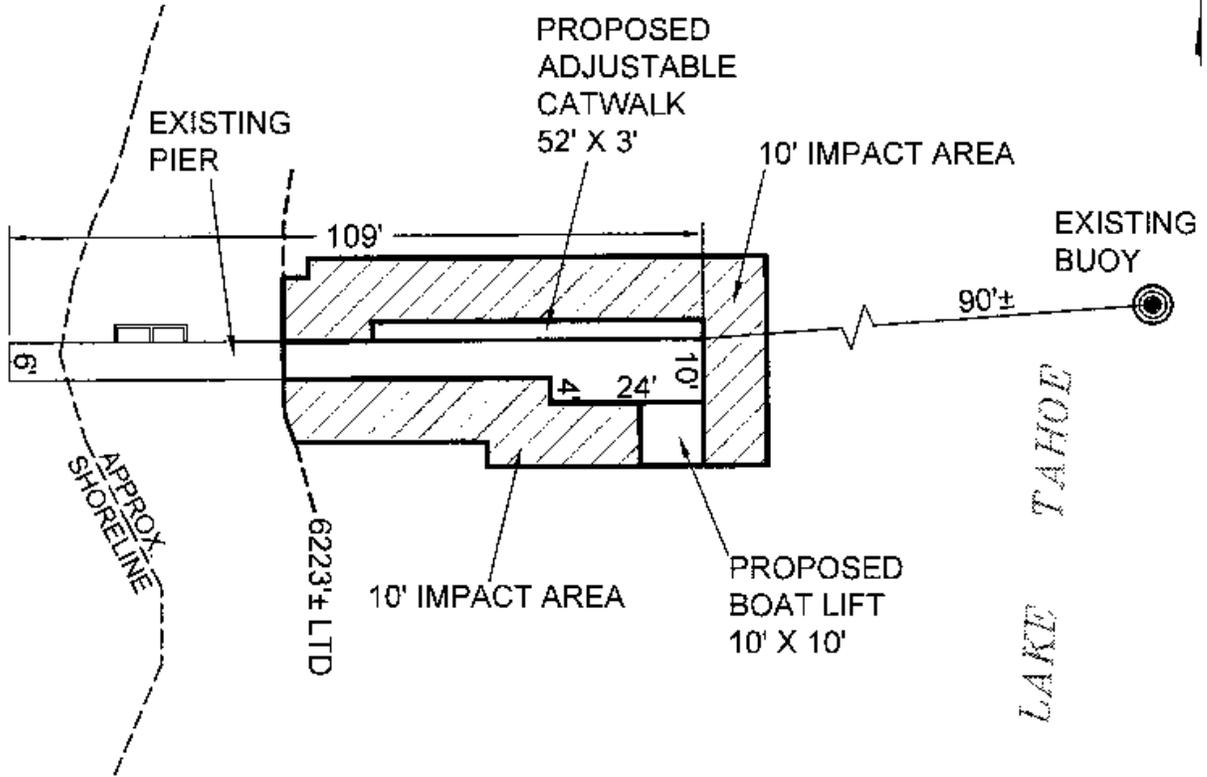
CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

APN 116-220-052



5526 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

LOCATION



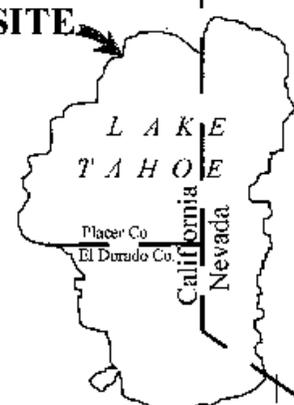
MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 5401.1
 SULLIVAN
 APN 116-220-052
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY

SITE



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